

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: September 13, 2017

RE: **CASE #CU-17-005**

REQUEST: A conditional use permit to allow 'commercial storage' in a C-2/Commercial District and to repeal Case #CU-83-004 and Case #CU-83-004A.

APPLICABLE

CODE SECTIONS: §15.20.020 - Zoning Board of Adjustment

The Zoning Board shall have the following powers:

b. To make final decisions on applications for conditional uses.

§15.15.030 – Conditional uses in a C-2/General Commercial District

03. Commercial storage

LEGAL

DESCRIPTION: Being part of Lots 7 and 8, Auditor's Subdivision of the SE ¼ NE ¼ of Section 6-74-43 and part of Lot 3, Auditor's Subdivision of the NE ¼ SE ¼ of Section 6-74-43 and part of Lots 6 and 7, Auditor's Subdivision of the SW ¼ NW ¼ of Section 5-74-43 and part of Lot 2, Auditor's Subdivision of the NW ¼ SW ¼ of Section 5-74-43, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: Generally including 1911 Rue Street, 2001 Rue Street and the land lying south.

APPLICANT: Cornerstone Storage, LLC, 13951 Valley Ridge Drive, Omaha, NE 68138

OWNERS: Safe-Sound Storage Inc, 3125 South 11th Street, Council Bluffs, IA 51501
Carmen Ziolkowski, 406 Timber Drive, Council Bluffs, IA 51503
Oliver Jr. and Linda Over, 1132 Military Avenue, Council Bluffs, IA 51503

BACKGROUND INFORMATION – The Community Development Department has received an application from Cornerstone Storage, LLC, represented by Ryan Steele, for a conditional use permit to allow 'commercial storage' in a C-2/Commercial District, on property legally described above, and to repeal conditional use permits Case #CU-83-004 and Case #CU-83-004A. The subject property is comprised of four parcels of land, including the Safe & Sound Storage facility at 1911 Rue Street. The applicant has signed purchase agreements for all parcels of land included in this request and intends to combine them into one lot upon approval of the conditional use permit. A letter of intent submitted by the applicant discusses the business operation for the proposed 'commercial storage' use (Attachment 'A'). In summary, the applicant plans to expand the existing Safe & Sounds Storage facility by constructing additional 'mini storage' buildings, climate controlled storage units and larger storage units (500 square feet or larger) on the properties to the abutting south and west. An outdoor storage area for cars, trucks, RV's, boats, buses and trailers is included in the applicant's request. All parking areas and drive aisles will be paved with asphalt or concrete cement. The business hours of operation are proposed from 6:00 a.m. to 10:00 p.m. Sunday through Saturday. Fencing and video surveillance will be used for site security. Staffing includes two part-time employees and one full-time employee. An office with an attached residence for a live on-site staff member is proposed with this request. The applicant has provided two conceptual site plans for the proposed 'commercial storage' use. (Attachments 'B' and 'C'). Site plan option A includes the existing Safe & Sound Storage facility, 9,900 square feet of outdoor parking area, one 38'W x 24'L office, one 40'-80'W x 370'L storage building, one 80'W x 470'L storage building and one 60'W x 390'L multi-story storage building. Site plan option B includes the existing

Safe & Sound Storage facility, 26,400 square feet of outdoor parking area, one 38'W x 24'L office, one 40'-80'W x 370'L multi-story storage building and one 80'W x 470'L storage building.

The following case attachments are included with this report:

- Attachment A: Letter of project intent from the applicant
- Attachment B: Site plan Option A
- Attachment C: Site plan Option B
- Attachment D: Location and zoning map

CURRENT ZONING AND LAND USE – The subject property is zoned C-2/Commercial District and is comprised of four parcels of land that when combined total 7.37 acres of land (Attachment D). Existing land uses on the subject property include Safe & Sound Storage (1911 Rue Street), a nonconforming single-family residential dwelling (2001 Rue Street) and two undeveloped parcels. The nonconforming residential dwelling will be demolished during site development of the subject property. Surrounding zoning includes C-2 District to the north, south and west along with A-2/Parks, Estates and Agricultural District to the east. Surrounding land uses include a car wash and restaurant to the north, a nonconforming residential dwelling (2015 Rue Street) to the south, undeveloped land/railroad tracks to the east and a multi-tenant commercial building to the west. The subject property and surrounding area are located in an AE and Zone X (0.2%) Flood Zone, as per FEMA Map 19155C0577E, dated February 4, 2005.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Regional Commercial and Rural Residential/Agriculture. The Regional Commercial designation was applied to the Safe & Sound Storage facility and all abutting properties to the north due to their existing commercial land uses and their proximity to Madison Avenue and an Interstate 80 interchange. The Rural Residential/Agriculture land use designation was applied to the subject residential dwelling at 2001 Rue Street and all abutting properties to the south due to floodplain issues and inadequate road and utility infrastructure (e.g., sanitary/storm sewers) along Rue Street.

In the general vicinity of this request, the Council Bluffs Zoning Board of Adjustment has approved the following cases:

- Case #CU-83-004 – Conditional use permit to allow 'commercial storage' and an outdoor storage area for vehicles, boats, etc. at 1911 Rue Street.
- Case #CU-83-004A – Conditional use permit to allow a 'security personnel residence' for an existing 'commercial storage' use at 1911 Rue Street.
- Case #BA-99-010 – Variance to allow two detached signs on a property with one road frontage at 1851 Madison Avenue.
- Case #CU-99-001 – Conditional use permit to allow 'commercial storage' at 1851 Madison Avenue.
- Case #CU-00-005 – Conditional use permit for a telecommunication tower at 1851 Madison Avenue.
- Case #CU-01-002 – Conditional use permit for a second telecommunication tower at 1851 Madison Avenue.
- Case #BA-01-007 – Height variance for a pole sign at 1851 Madison Avenue.
- Case #BA-08-004 – Variance for a detached sign at 1851 Madison Avenue
- Case #BA-08-006 – Amend conditional use permit to allow outdoor storage of recreational vehicles, trailers and boats associated with a 'commercial storage' use at 1851 Madison Avenue.

Exhibit A: 2016 Pictometry image of the subject property and surrounding area.



CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

Mid-American Energy Company stated they have no objection to the proposed request.

Council Bluffs Fire Department stated the project must comply with Chapter 507.5.1 of the International Fire Code relative to hydrant spacing. Said code requires hydrants be spaced at 300 feet instead of 400 feet.

Council Bluffs Building Division stated all of their questions for the project were addressed during a pre-development meeting with the applicant. No additional comments at this time.

Council Bluffs Water Works stated a public main is located within Rue Street and that the applicant must contact them to provide water service to the project.

Public Works Department:

1. Stormwater shall be managed for both water quantity and quality.
2. All vehicle circulation routes shall be hard-surfaced with either asphalt or concrete cement pavement.
3. Driveway connections to Rue Street shall be coordinated with the Public Works Department.
4. Sanitary sewer services shall connect the existing sanitary main.

Community Development Department:

1. The subject property is partially located within the Iowa Department of Transportation (IDOT) – Highway Preservation Corridor. A copy of the application and conceptual site plans were sent to the IDOT for review. No comments have been received from IDOT as of the date of this report.

2. A 'commercial storage' use is defined in Section 15.03.158, *Definitions, Commercial Storage* of the Council Bluffs Zoning Ordinance as "*storage services primarily for personal items and household good within enclosed storage areas having individual access but excluding use of areas as workshop, hobby shops, manufacturing, or commercial activities*". All units shall be used for storing personal items and household goods and shall not be utilized for any contractor shops, hobby shops and/or industrial uses.
3. Outdoor storage areas for vehicles, cars, boats, RV's and trailers is a common ancillary use associated with a 'commercial storage' facility. The Zoning Board of Adjustment granted a conditional use permit (Case #CU-83-004) which allowed the existing Safe & Sound Storage facility to provide outdoor storage for customer vehicles. Additionally, the Zoning Board of Adjustment granted a conditional use permit (Case #CU-99-001M) that allowed the 'commercial storage' facility at 1851 Madison Avenue to use a portion of their property for outdoor storage of cars, boats and other recreational vehicles. The Community Development Department recommends approval to allow an outdoor storage for cars, boats, trucks and recreational vehicles only. Outdoor storage of junked, inoperable and/or unregistered vehicles is prohibited at this location.
4. The conceptual site plans show all proposed storage buildings will comply with minimum C-2 District setbacks and lot coverage standards, as required per Chapter 15.15 *C-2 Commercial District* of the Council Bluffs Zoning Ordinance. Building heights for the new office and storage buildings are unknown at this time. All building shall be designed to comply with shall comply with Chapter 15.15 *C-2 Commercial District* of the Council Bluffs Zoning Ordinance.
5. The applicant's letter of intent and conceptual site plans indicate that all off-street parking and drive aisles will be paved with concrete or asphalt cement. The site plans show that four off-street parking spaces, including one handicap accessible space, for customers and employees will be provided. A minimum of one parking space per 5,000 square feet of storage area must be provided, as per Section 15.23.060, *Parking space required*, of the Council Bluffs Zoning Ordinance. The total number of required spaces will be calculated once the final site and building plans are submitted to the City for review. All outdoor storage and off-street parking/drive aisles shall be hard-surfaced with concrete or asphalt cement and designed to comply with Section 15.23.030, *Design Standards*, of the Council Bluffs Zoning Ordinance.
6. All proposed fencing shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance. The Community Development Department recommends the applicant provide a 100% opaque privacy fence around the perimeter of their property to help screen all outdoor storage areas from public view.
7. All outdoor lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Zoning Ordinance.
8. All signage shall be permitted separately prior to installation and shall comply with Chapter 15.33, *Signs* of the Council Bluffs Zoning Ordinance.
9. The proposed request includes an office with an attached residence for an on-site staff member. The Zoning Board of Adjustment approved a conditional use permit (Case #CU-83-004A) which allowed the Safe & Sound Storage facility to have an on-site managers quarters for security purposes. The Community Development Department recommends the on-site residence be designed as part of the office building and that the size of the residence occupy no more than 40% of the square footage of the office building structure. The on-site residence shall only be used by site staff and shall not be used as a rental property.
10. The subject property is located in an AE and Zone X (0.2%) Flood Zone, as per FEMA Map 19155C0577E, dated February 4, 2005. All development activity on this property shall comply with all Federal, State and Local requirements for floodplain management.
11. All costs to construct, remove and/or relocate any utilities for the proposed 'commercial storage' use shall be the responsibility of the applicant and not the City.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. No comments have been received as of the date of this report.

COMMENTS

§15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

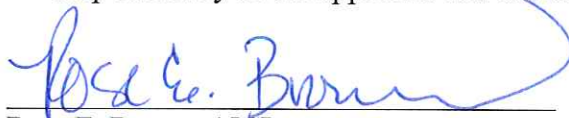
1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The subject property is comprised of four parcels of land that when combined total 7.37 acres of land, which exceeds the minimum 5,000 square feet requirement in a C-2/Commercial District. The conceptual site plans shows the subject property is suitable in size for the proposed 'commercial storage' facility to be developed in accordance with all applicable City standards (e.g., zoning, stormwater management).*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *Adequate utilities (e.g., public water, stormwater and sanitary sewer, electricity) are available at this location for the proposed 'commercial storage' use. Stormwater for the proposed use shall be managed in accordance with all Public Works Department requirements. Any future cost to extend, modify or otherwise relocate any public utilities/facilities shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.*
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. The subject property has direct access to Rue Street. All driveway connections to Rue Street shall be coordinated with the Public Works Department prior to installation. *All proposed outdoor storage, driveways and drive aisles shall be hard-surfaced with asphalt or concrete cement and shall comply with the design standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. Additionally, off-street parking for the use is required at one parking space per every 5,000 square feet of storage area. The required amount of off-street parking shall be stated on a final site plan and designed in accordance with Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. The proposed request is anticipated to have no negative impact on existing traffic patterns in the area.*

4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicant shall obtain all required building, driveway, parking lot and storm water permits from the City prior to commencing any development activity on the subject property. All proposed signage shall receive a sign permit from the City prior to installation.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *The final site plan shall show the location, type and height of all proposed exterior lighting. All exterior lights shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance.*
6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The subject property is zoned C-2/Commercial District and exceeds the minimum the lot size required is said zoning district. Existing land uses on the subject property include Safe & Sound Storage (1911 Rue Street), a nonconforming single-family residential dwelling (2001 Rue Street) and two undeveloped parcels. The nonconforming residential dwelling on the subject property will be demolished during site development. Surrounding zoning includes C-2/Commercial District to the north, south and west along with A-2/Parks, Estates and Agricultural District to the east. Surrounding land uses include a car wash and restaurant to the north, a nonconforming residential dwelling (2015 Rue Street) to the south, undeveloped land/railroad tracks to the east and a multi-tenant commercial building to the west. The Zoning Board of Adjustment has previously granted conditional use permits for commercial storage, outdoor vehicle storage and on-site manager's quarters on the subject property (Case CU-83-004 and Case #CU-83-004A). The applicant has requested to repeal said conditional use permits in order to adopt one set of standards for the entire subject property. The future land use plan of the Bluffs Tomorrow: 2030 Plan designates the subject property as Regional Commercial and Rural Residential/Agriculture. The proposed 'commercial storage' use is generally consistent with the Bluffs Tomorrow: 2030 Plan and is not anticipated to have a negative impact on existing land uses in the surrounding area.*
7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *More information on the design of the proposed commercial storage buildings are needed to determine compliance with C-2/Commercial District standards. All buildings on the subject property shall be designed to comply with the development standards (e.g., setbacks, height, lot coverage) stated in Chapter 15.15 C-2/Commercial District of the Council Bluffs Zoning Ordinance. A privacy fence is proposed to be installed around the subject property for site security purposes. All fencing shall comply with the standards stated in Section 15.24.040, Fence regulations, of the Council Bluffs Zoning Ordinance.*
8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *If developed in full compliance with adopted City requirements the proposed request is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area.*

RECOMMENDATION

The Community Development Department recommends approval of the request for a conditional use permit to allow 'commercial storage' in a C-2/Commercial District and to repeal Case #CU-83-004 and Case #CU-83-004A on property legally described as being part of Lots 7 and 8, Auditor's Subdivision of the SE ¼ NE ¼ of Section 6-74-43 and part of Lot 3, Auditor's Subdivision of the NE ¼ SE ¼ of Section 6-74-43 and part of Lots 6 and 7, Auditor's Subdivision of the SW ¼ NW ¼ of Section 5-74-43 and part of Lot 2, Auditor's Subdivision of the NW ¼ SW ¼ of Section 5-74-43, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. All site development shall comply with all applicable Fire and Building Code(s) requirements.
3. The conditional use shall comply with all site development regulations pertaining to the C-2/Commercial District.
4. The hours of operations shall be as presented in the application.
5. Outdoor storage shall be ancillary to the commercial storage use and shall be limited to cars, trucks, boats and recreational vehicles. Exterior storage of junked, wrecked, inoperable and/or unregistered vehicles is prohibited.
6. All outdoor storage areas, off-street parking, driveways and drive aisles shall be hard-surface paved with asphalt or concrete cement and shall be designed to comply with the standards stated in Chapter 15.23, *Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
7. All required off-street parking and handicap parking spaces for the commercial storage use shall be provided in accordance with the standards stated in Section 15.23.060, *Parking space required*, of the Council Bluffs Zoning Ordinance.
8. All units shall be used for storing personal items and household goods and shall not be utilized for any contractor shops, hobby shops and/or industrial uses, as per Section 15.03.158, *Definitions, Commercial Storage* of the Council Bluffs Zoning Ordinance.
9. The on-site manager's residence shall be designed as part of the office building and shall occupy no more than 40% of the total square footage of the office building structure. The on-site residence shall only be used by site staff and shall not be used as a rental property.
10. A 100% opaque fence shall be installed around the perimeter of the subject property for site security/screening purposes and shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance.
11. All exterior lighting shall comply with the standards stated in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Zoning Ordinance.
12. All signage shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
13. The applicant shall comply with all applicable stormwater management standards for the proposed development, as determined by the Council Bluffs Public Works Department.
14. All costs to construct, remove and/or relocate any utilities for the proposed development shall be the responsibility of the applicant and not the City.



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